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January 11, 2012

ECF

Hon. Cathy L. Waldor, U.S.M.J.
United States District Court for the District of New Jersey
King Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

**Re: *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (ES-CLW)
BanxCorp v. LendingTree, LLC, Civ. No. 10-2467 (ES-CLW)**

Dear Judge Waldor:

In my letter to Judge Salas filed by ECF on January 5, 2012, I asked the Court to adjourn the deposition of Norbert Mehl, scheduled to begin on January 23, 2012, pending clarification of the claims made in the recently filed Fifth Amended Complaint ("5AC"). I have discussed the matter further with my colleagues and we have agreed that there are topics that can be addressed at this time. We are therefore prepared to proceed with the first two and a half days of Mr. Mehl's deposition beginning on January 23.

We believe that it is likely that we will request additional time at some future date in order to depose Mr. Mehl on any topics not covered during the first two and a half days. In this regard, I must point out that (1) we intend to move to dismiss portions of the 5AC and (2) the plaintiff has asked to supplement the 5AC. Thus, examination of Mr. Mehl directed simply at clarification of the claims may end up being incomplete. It is highly unlikely that we will be able to examine Mr. Mehl on all of the issues raised by the 5AC or the facts underlying those issues. Nevertheless, we believe that we can begin Mr. Mehl's deposition during the week of January 23.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. Scott Thompson". The signature is fluid and cursive, with a long horizontal stroke at the end.

R. Scott Thompson

Cc: All Counsel